



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,382	12/12/2003	Eugene Luskin	MS1-1725US	1704
22801	7590	04/15/2008	EXAMINER	
LEE & HAYES PLLC			WEISKOPF, MARIE	
421 W RIVERSIDE AVENUE SUITE 500			ART UNIT	PAPER NUMBER
SPOKANE, WA 99201			3664	
			MAIL DATE	DELIVERY MODE
			04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/735,382	LUSKIN ET AL.	
	Examiner	Art Unit	
	MARIE A. WEISKOPF	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 March 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 and 26-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23,26-48 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10, 12-23, 26-30, 32-40, 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Schofield et al (US 7,308,341).

- In regard to claims 1, 12 and 43, Schofield et al discloses a method, program and vehicle comprising:
 - Collecting, on a computer maintained within a vehicle, data from a plurality of systems of the vehicle (Column 21, line 15 – Column 22, line 61), wherein the plurality of systems comprises:
 - A diagnostic system from providing one or more diagnostic codes; and at least one of a vehicle security system, an obstacle detection system, a vehicle media system, a vehicle environment system, or a vehicle sound system, wherein each vehicle system is connected to the computer by a respective interface. (Column 21, line 15 – Column 22, line 61)

- Generating, on the computer, an explanation of a vehicle condition based on at least one said vehicle diagnostic code comprising a set of symbols, wherein the explanation combines data collected from the diagnostic system with data collected from at least one other vehicle system at the time the one or more diagnostic codes are detected. (Column 21, line 15 – Column 22, line 61)
- In regard to claims 2 and 13, including a textual explanation (Column 21, line 15 – Column 22, line 61)
- In regard to claims 3 and 14, generating operation comprises retrieving a graphical illustration of a component associated with the vehicle diagnostic code. (Column 21, line 15 – Column 22, line 61)
- In regard to claims 4 and 15, generating supplemental information related to the vehicle diagnostics code (Column 21, line 15 – Column 22, line 61)
- In regard to claims 5 and 16, wherein the generating supplemental information operation comprises retrieving an estimated price for repairing a condition related to the vehicle diagnostics code. (Column 21, line 15 – Column 22, line 61)
- In regard to claims 6 and 17, wherein the generating supplemental information operation comprises retrieving a location of a vehicle dealership (Column 21, line 15 – Column 22, line 61)
- In regard to claims 7 and 18, further comprising presenting the explanation at a client computer. (Column 21, line 15 – Column 22, line 61)

- In regard to claims 8 and 19, wherein the presenting operation comprises presenting the explanation at a local, vehicle based client. (Column 21, line 15 – Column 22, line 61)
- In regard to claims 10 and 21, further comprising storing an updated explanation of the vehicle condition in a memory. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 23, Schofield et al discloses a vehicle comprising:
 - A vehicle diagnostic system; one or more other vehicle system; a host computer communicatively coupled to the vehicle diagnostic system and the one or more other systems via respective interfaces, wherein the host computer is configured to collect data from a plurality of the vehicle systems; and generate a deciphered explanation of a vehicle diagnostic code, wherein the deciphered explanation contains a textual explanation of the vehicle diagnostic code and a graphical illustration of a component associated with the vehicle diagnostic code; and a local client maintained within the vehicle, wherein the local client displays the deciphered explanation. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 26, wherein the host computer is further operable to generate supplemental information related to the vehicle diagnostic code. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 27, wherein the generating supplemental information operation comprises retrieving an estimated price for repairing a condition related to the vehicle diagnostics code. (Column 21, line 15 – Column 22, line 61)

- In regard to claim 28, wherein the generating supplemental information operation comprises retrieving a location of a vehicle dealership (Column 21, line 15 – Column 22, line 61)
- In regard to claim 29, further comprising a display device presenting the deciphered explanation. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 30, further comprising an audio output device presenting an audio version of the deciphered explanation. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 32, wherein the host computer comprises an updated repository of one or more deciphered explanations associated with one or more vehicle diagnostic codes. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 33, Schofield et al discloses a vehicle-based system comprising:
 - A diagnostics receiver module receiving a vehicle diagnostics code from a vehicle diagnostics system, the vehicle diagnostics code including a set of one or more symbols and corresponding to a vehicle condition (Column 21, line 15 – Column 22, line 61)
 - One or more interfaces corresponding to one or more other vehicle systems and configured to receive vehicle systems data from a respective vehicle system (Column 21, line 15 – Column 22, line 61)
 - Means for generating an explanation of the vehicle condition based on the vehicle diagnostics code, wherein the explanation combines data received

from the vehicle diagnostics system and at least one other vehicle system, wherein the explanation contains a textual explanation of the vehicle condition and a graphical illustration of a component associated with the vehicle condition (Column 21, line 15 – Column 22, line 61)

- Means for presenting the explanation of the vehicle condition, wherein the presentation means comprises a local client. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 34, wherein the means for generating comprises a computer-readable memory storing a diagnostics information registry having a field storing a reference to the explanation (Column 21, line 15 – Column 22, line 61)
- In regard to claim 35, wherein the means for generating comprises a memory storing explanation of one or more predetermined vehicle diagnostics codes (Column 21, line 15 – Column 22, line 61)
- In regard to claim 36, wherein the memory stores one or more of a graphical explanation, a textual explanation and an audio explanation (Column 21, line 15 – Column 22, line 61)
- In regard to claim 37, further comprising a network communications module communicating explanation over a network (Column 21, line 15 – Column 22, line 61)
- In regard to claim 38, further comprising a media output device presenting the explanation (Column 21, line 15 – Column 22, line 61)

Art Unit: 3664

- In regard to claim 39, wherein the media output device comprises audio speakers outputting an audio explanation. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 40, further comprising an update module updating information in the diagnostics information registry. (Column 21, line 15 – Column 22, line 61)
- In regard to claim 44, wherein the retrieving operation comprises accessing a memory location storing an updateable explanation (Column 21, line 15 – Column 22, line 61)
- In regard to claim 45, further comprising updating the explanation (Column 21, line 15 – Column 22, line 61)
- In regard to claim 46, further comprising presenting the explanation automatically in responses to receiving the vehicle diagnostics code (Column 21, line 15 – Column 22, line 61)
- In regard to claim 47, further comprising presenting the explanation in response to a request from a user (Column 21, line 15 – Column 22, line 61)
- In regard to claim 48, further comprising communicating the explanation over a network. (Column 21, line 15 – Column 22, line 61)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9, 11, 20, 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al in view of Ames (US 6,735,503). Schofield et al fails to specifically discloses presenting the explanation at a remote client or transmitting the diagnostic code to a remote client. Schofield et al, however, does discuss being able to determine service areas near the vehicle. (Column 21, line 15 - Column 22, line 61) Ames, discloses, being able to send diagnostic data to a remote computer. Ames discusses being able to determine what the fault code is (Abstract), however, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Schofield et al with the ability to send diagnostic codes taught by Ames in order to allow remote computers, such as a dealership, also view what is wrong with the vehicle and make necessary appointments an order necessary parts.

5. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al.

- In regard to claim 41, Schofield et al discloses all of the limitations discussed in the diagnostics information registry (Column 21, line 15 – Column 22, line 61), however, fails to specifically discuss storing the severity level associated with the vehicle condition, however this is common in a typical vehicle diagnostic system and would have been obvious to one having ordinary skill in the art at the time of the invention to include with the invention of Schofield et al to allow the user to see how sever the error is that is received.
- In regard to claim 42, Schofield et al fails to specifically disclose wherein the vehicle diagnostics code is an onboard diagnostics II code, however, this is

common and well known in the art and further used on many vehicles today and would have been obvious to one having ordinary skill in the art at the time of the invention to use OBDII codes since it is what many vehicles today contain.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 12, 23, 33 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIE A. WEISKOPF whose telephone number is (571)272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW
/Khoi H Tran/
Supervisory Patent Examiner, Art Unit 3664